



United States Department of Commerce

March 4, 2004

Commissioner for Patents

P.O. Box 1450

Alexandria Virginia 22313-1450

Re: Application No. 10/075221

Filing date: 11/13/2002

Inventor: Edward Ludwig Blendermann

Examiner: John P. Lacyk

Art Unit: 3736

Attn: John P. Lacyk

In response to the office action dated February 2, 2005 , please accept the following reply. The Notice of Non-compliant Amendment is not proper because there were no amendments to claims in the reply made on November 18, 2004. The listing of the claims on this date was given only as a copy of my records .This intention. was indicated by the letter on that date and also on the transmittal form under remarks. The reason that the applicant submitted this record of a previous submission of claims was to traverse with the examiner and to show that claim 18 in the marked up version was identical to the clean version.

Therefore, the claims submitted on November 18, 2004 are identical to the previous submission of claims as they should be to be a correct and credible record. To change any part of the record would destroy the integrity of the record.

On February 24, the examiner called me and informed me that the claims submitted should have the status identifier (previously amended) where the claims status identifier (amended) appeared in this record.

I agree that this would have been proper if the intention of submission of claims was to amend these claims, but is improper because the intention of the submission was only to provide an accurate record of a previous submission. In fact, to change the record by changing the status identifier would cause the submission to be an inaccurate record of the previous submission.

Therefore, I reiterate that the claims are identical to the previous submission as they should be to be a correct and credible record. The listing of claims submitted on November 18, 2004 were given only as a copy of my records. Since there was no intention to amend any claims, the Notice of Non-compliant Amendment is improper.

Please consider the above clarification, please withdraw the Notice of Non-compliant Amendment, and allow the examination of the application to proceed.

Sincerely,

A handwritten signature in cursive script, reading "Edward L. Blendermann", followed by a horizontal line.

Edward L. Blendermann

Addendum: As per our telephone conversation on March 1st, to avoid any confusion in this matter enclosed is one set of claims with the status identifier" previously amended" used to replace "amended".